

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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RAFAEL DE LA CRUZ, *on behalf of himself,*
FLSA Collective Plaintiffs and the Class,

Plaintiff,

ORDER

-against-

22-cv-10403 (AT) (JW)

BROADWAY FOOD MART INC., d/b/a
DOLLAR JUNCTION, SUTTER DOLLAR
DISCOUNT INC. d/b/a SUTTER DOLLAR
DISCOUNT, JOHN DOE CORPORATIONS
1-100, *and* BAHIT H. MOTIWALA,

Defendants.

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JENNIFER E. WILLIS, United States Magistrate Judge:

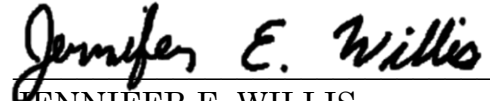
The Court is in receipt of Plaintiff's letter motion for conference at Dkt. No. 61 requesting the Court's intervention in a discovery dispute regarding deposition scheduling. In sum, Plaintiff's counsel seeks to (i) reschedule the deposition of Plaintiff, which is currently set for December 1, 2023 and (ii) keep the depositions of Defendants as scheduled. Dkt. No. 61. Defendants counter that the Parties previously agreed to this deposition schedule, Plaintiff has failed to produce documentation regarding the alleged surgery prompting the request to request Plaintiff's deposition, and Plaintiff's counsel did not adequately meet and confer in good faith to resolve the discovery dispute. Dkt. No. 62. Plaintiff's request for conference at Dkt. No. 61 is DENIED.

Plaintiff is directed to submit an *ex parte* note from Plaintiff's doctor by December 1, 2023 via email to willisnysdchambers@nysd.uscourts.gov confirming

that Plaintiff has a scheduling conflict due to surgery. If no letter is provided, this Court expects that Plaintiff will sit for the deposition as scheduled. Further, this Court expects Defendants' depositions to proceed as scheduled on December 14, 2023.

SO ORDERED.

DATED: New York, New York
November 27, 2023


JENNIFER E. WILLIS
United States Magistrate Judge